

**BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
MAY 6, 2008**

**CALL TO
ORDER**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present were Tony Sagami, Craig Wagner, Gina Klempel, and Scott Hollinger. Mark Hash was absent. Jeff Harris represented the Flathead County Planning & Zoning Office.

There was 1 person in the audience.

**APPROVAL OF
MINUTES**

Approval of the November 6, 2007, March 4, 2008 and April 1, 2008 meeting minutes.

Sagami made a motion seconded by Wagner to approve the November 6, 2007, March 4, 2008, and April 1, 2008 meeting minutes.

The motion carried by quorum.

**ELECTION OF
OFFICERS**

Klempel made a motion to nominate Hollinger as Chairman and Sagami as Vice-Chairman.

The motion carried by quorum.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

PUBLIC REVIEW

Hollinger reviewed the public hearing process.

**IRET
PROPERTIES
(FCU-08-05)**

A request by IRET Properties, Edgewood Vista Senior Living Inc., for a Conditional Use Permit to operate a residential care center within the Evergreen, R-5 (Two-Family Limited Residential), Zoning District. The property is located at 141 Interstate Lane.

STAFF REPORT

Jeff Harris reviewed staff report FCU 08-05 for the Board.

**BOARD
QUESTIONS**

None.

APPLICANT	Philip Gisi, owner of Edgewood Vista Senior Living, came to rectify a problem. He found out when refinancing the facility that a permit was needed. He offered to answer any questions the board had. He said he agreed with the changes to the summary of findings.
BOARD QUESTIONS	<p>Hollinger asked how long the facility had been open.</p> <p>Gisi stated it was built in 2000.</p> <p>Sagami asked how something like that falls through the cracks.</p> <p>Harris thought the Flathead County Planning office was formed around 2001. Prior to the Flathead County Planning Office, it was Flathead Regional Development Office. He felt this probably slipped through unnoticed during the transition.</p>
AGENCIES	None.
PUBLIC COMMENT	<u>Charles Keller</u> , East Evergreen Mobile, had no problems with the facility. His property joins the applicants. He stated there are more buildings than he thought and wanted to make sure which property they were discussing. He knew the convalescent building was there but not the other building; he didn't pay attention. He reiterated there are no problems, they are nice buildings.
BOARD DISCUSSION	Klempel looked at the facility and it is nice looking.
MOTION	Wagner made a motion seconded by Klempel to adopt staff report FCU 08-05 as findings of fact with amended conditions.
ROLL CALL	On a roll call vote the motion passed unanimously.
OLD BUSINESS	None.
NEW BUSINESS	Harris told the board that Kayla, the board secretary, had accepted a new position with Bonneville Power Administration and her last day would be Friday, May 9, 2008. We are advertising for a replacement and in the meantime Jill and Mary will be attending meetings.

Klempel stated Performance Real Estate was apparently at odds due to the fact they were denied a conditional use permit.

Harris drove by there and they were open. Because they were denied a permit, the Planning Office has to deal with the issue. He said without a building department, the County could not track building activities. If we see something then we deal with it. Usually it's a neighbor that calls in and complains. We don't go looking for violations; they come to us. We respond if there is a written complaint. The facility on the agenda tonight could have been there for 20 years and our office would have no reason to suspect they didn't have a permit unless somebody called it in.

Klempel asked Harris if Performance Real Estate would be entitled to a refund.

Harris said no; our office does not reimburse fees where we've gone through the analysis, review, the staff report, and presented it. If our office had not processed the application we would give the money back. If we are only into it part way we might give back half the money. We try to be fair.

Harris told the board there would not be a meeting in June as we did not receive any applications.

ADJOURNMENT The meeting was adjourned at 6:20 p.m. on a motion by Klempel.

The next meeting will be held at 6:00 p.m. on July 1, 2008.

Scott Hollinger, President

Mary Sevier, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 8/5/08